

REMARKS

This resubmission is in response to the Notice of Non-compliant Amendment mailed May 27, 2004 which noted that prior new claims 19 and 20 improperly included underlined and strike-through nomenclature. Claims 19 and 20 have been corrected appropriately in this resubmission. No other changes have been made. The following remarks conform to those originally submitted.

Independent claim 1 stands rejected for obviousness over United States Patent No. 1,457,657 to Fahsbender in view of United States Patent No. 4,126,246 to Galer. Independent claim 2 stands rejected for obviousness over United States Patent No. 5,202,094 to Jones et al. in view of the Fahsbender patent. Independent claim 6 stands rejected for obviousness over United States Patent No. 5,704,092 to Nicollet et al.

Independent claims 1 and 2 each recite the combination of a handle and a plastic urine specimen container that is used to collect and temporarily retain urine. The handle includes a releasable lock member.

With respect to independent claim 1, the Fahsbender patent does not teach or suggest a plastic specimen container or a handle that includes a releasable lock member that temporarily suspends opposed movement of the first body member and the second body member. In the Fahsbender patent, the jaws release once a hand ceases to apply a crimping force to the handles. No releasable lock member is carried by the handle in the Fahsbender patent. The Galer patent does not help overcome the deficiencies of Fahsbender because the Galer patent does not disclose a grip type handle, much less a releasable lock member that temporarily suspends opposed movement of the first body member and the second body member. Therefore, the Fahsbender and Galer patents do not teach, either alone or in combination, the invention recited in amended claim 1. Dependent claims 14, 16, 17, and 18 are also allowable by definition.

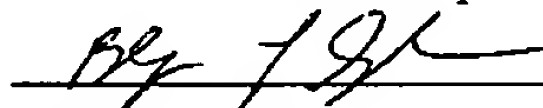
With respect to claim 2, the Jones patent does not help cure the deficiencies of the Fahsberger patent (discussed above). Neither the Jones patent or the Fahsberger patent teach or suggest the claimed method, nor do either patent teach or suggest a releasable lock member in combination with the other recited claim elements. Dependent claims 3-5 are also allowable by definition.

Independent claim 6 has been amended to recite that the first body member moves parallel to the second body member, and that the lock member is removable. In the Nicollet patent, item (24) is a release button for a spring, not a removable lock member. Therefore, independent claim 6 is allowable. Dependent claims 7-10, 12, 14, 15, 19, and 20 are allowable by definition. New claims 19 and 20 are similar to previously presented claims 17 and 18.

The Applicant respectfully requests allowance of claims 1-10, 12, 14-20.

Respectfully Submitted;

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